

# Notice of Allowability

Application No.

10/813,914

Examiner

Richard R. Shaffer

Applicant(s)

SEELIG ET AL.

Art Unit

3733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the AMENDMENT filed on 04 December 2006.
2. ☒ The allowed claim(s) is/are 1-3 and 6-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 12/18/2006.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Richard R. Shaffer*  
12/18/06

### EXAMINER'S AMENDMENT

The application has been amended as follows:

Claim 1: An instrument for gripping an orthopaedic fixation pin during a surgical procedure and extracting the pin from bone in which the pin is embedded, the pin having an embedded portion extending into the bone along a longitudinal axis, and a projecting portion projecting longitudinally from the bone adjacent a bearing surface associated with the bone, the instrument comprising:

a first handle member having a first gripping element including a gripping surface;

a second handle member coupled with the first handle member for selective movement relative to the first handle member between a first position and a second position;

a pusher coupled with the first and second handle members for movement relative to the first and second handle members in directions along a linear path essentially parallel to the longitudinal axis in response to movement of the second handle member between the first and second positions;

a gripping mechanism including the first gripping element and a second gripping element[s] coupled with the first and second handle members for movement to grip the projecting portion of the pin between the first gripping element and the second gripping element in response to an initial movement of the second handle member from the first position toward [a] the second position;

~~[the first gripping element including a gripping surface integral with the first handle member;]~~

the second gripping element including a gripping finger mounted upon the first handle member for movement toward and away from the gripping surface; and

a linkage system coupling the second handle member with the gripping finger for movement of the gripping finger laterally toward the gripping surface in response to movement of the second handle member from the first position toward the second position;

the second handle member being coupled to the pusher such that upon movement of the second handle member relative to the first handle member farther toward the second position, subsequent to the initial movement, the pusher is urged against the bearing surface to move the gripping mechanism away from the bearing surface and to establish an extraction force in a direction essentially parallel to the longitudinal axis, and the gripped projecting portion of the pin is moved with the gripping mechanism to withdraw the embedded portion of the pin from the bone along a direction essentially parallel to the longitudinal axis.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard R. Shaffer whose telephone number is 571-272-8683. The examiner can normally be reached on Monday-Friday (7am-5pm).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Richard Shaffer  
December 18<sup>th</sup>, 2006



EDUARDO C. ROBERT  
SUPERVISORY PATENT EXAMINER